

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHAD VINCENT IACONA,

Defendant.

Case No. 3:11-cr-30120-MJR

MEMORANDUM and ORDER

REAGAN, District Judge:

In December 2011, a jury convicted Defendant Chad Vincent Iacona of Fraud in Connection with an Access Device, in violation of 18 U.S.C. §§ 1029(a)(2) and (c)(1)(A)(i), and Aggravated Identity Theft, a violation of 18 U.S.C. § 1028A. On March 8, 2012, Iacona was sentenced to a term of imprisonment totaling 39 months, a three-year term of supervised release, and \$75,424.98 in restitution. Iacona filed his notice of appeal on March 16, 2012.

Iacona was represented by retained counsel, attorney Gary Mack, during all proceedings in the district court; as of this date, attorney Mack remains the attorney of record for Defendant Iacona. Pursuant to Federal Rule of Appellate Procedure 24, Defendant Iacona now moves for leave to proceed on appeal in forma pauperis, as he is no longer able to afford retained counsel (Doc. 69).

28 U.S.C. § 1915(a)(1) permits federal district courts to authorize the commencement of a civil or criminal appeal without prepayment of fees, by a person who submits an affidavit that includes a statement of assets (reflecting his inability to pay the filing fee), identifies the nature of the appeal, and states the affiant's belief that he is entitled to redress.

28 U.S.C. §1915(a)(3) provides that authorization for IFP on appeal is *not* permissible if the District Court certifies in writing that the appeal is “not taken in good faith.”

The Court has reviewed Iacona’s financial affidavit filed on April 12, 2012 (Doc. 69-1) and recognizes that Iacona qualifies for court-appointed counsel. This Court finds that Iacona’s direct appeal, as of right in a criminal case, is taken in good faith. Therefore, Iacona will be authorized to proceed on appeal as a pauper.

Iacona’s motion mentions his inability to afford preparation of the transcript of his criminal trial. Iacona is reminded that he must formally address the preparation of the transcript in accordance with Circuit Rule 10.

IT IS THEREFORE ORDERED that Defendant Iacona’s motion for leave to proceed as a pauper on appeal (Doc. 69) is **GRANTED**.

The Clerk of Court is **DIRECTED** to transmit a copy of this Order to the Court of Appeals for the Seventh Circuit.

IT IS SO ORDERED.

DATE: April 16, 2012

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge